



IN AMERICA

A Step-by-Step Guide To a Drug-Free Workplace

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PRESIDENT'S DRUG ADVISORY COUNCIL
EXECUTIVE OFFICE OF THE PRESIDENT
WASHINGTON, D.C.

H O W T O U S E T H I S B O O K L E T

AS A GUIDE FOR YOUR BUSINESS

The model policy for a drug-free workplace and the additional optional components found in this booklet will enable you to write a policy and design an appropriate program to fit the unique requirements of your company.

A basic policy stating your company's position on illegal drug use will serve as the foundation of your substance abuse program. Additional components may be adopted if and when they best suit your company's needs:

- **An Employee Assistance Program (EAP)**
- **Training for Supervisors**
- **Education/Awareness for Employees**
- **A Drug-testing program**

To assist you, the National Institute on Drug Abuse (NIDA) can provide consultation at no cost. **CALL 1-800-843-4971.**

The model policy and its possible options as printed in this brochure have been reviewed by legal counsel. They are similar to those in effect in several major companies. **However, you should have your attorney review the policy you intend to implement to assure compliance with varying state regulations and laws.**

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**PRESIDENT'S DRUG ADVISORY COUNCIL
EXECUTIVE OFFICE OF THE PRESIDENT
Washington, D.C. 20503**

To Business and Labor Leaders:

Confronting the problem of substance abuse is critical to the future of our nation. The effect of drug abuse on our workers and their families is devastating. It compromises our ability to provide healthy and safe workplaces, to provide quality products and services, and to realize the competitiveness necessary to survive in local and world markets.

The business community has an obligation to assume a leadership role in eliminating illegal drug use from American society. Workplace anti-drug programs can be one of the most efficient and effective strategies for decreasing illegal drug use.

We are pleased to offer this guide which represents the best thinking of labor and business leadership. I urge you to use this approach and to encourage every business in your community to develop a drug-free workplace program.

Sincerely,

**James E. Burke
Chairman**

William Moss
Vice Chairman

Alvin Brooks
Chairman and Founder
Ad Hoc Group Against Crime

Patricia A. Burch
Founding member, National
Federation of Parents for Drug-Free
Youth

Albert V. Casey
Chairman
Resolution Trust Corporation

David Clare
Former President
Johnson & Johnson

John Clendenin
Chairman and CEO
BellSouth Corporation

Alvah H. Chapman
Director and Chairman
Executive Committee
Knight-Ridder, Inc.

Lee I. Dogoloff
Executive Director
The American Council for Drug
Education

Christopher F. Edley, Sr.
Former Chairman of the United
Negro College Fund Inc.

Manuel A. Garcia III
Chief Executive Officer
Davgar Restaurants, Inc.

Brad Gates
Sheriff/Coroner of Orange County and
Founder of "Drug Use is Life Abuse"

Robert A. Georgine
President
Building & Construction
Trades Department, AFL-CIO

Mary L. Jacobson
Founding member, National
Federation of Parents for Drug-Free
Youth

The Hon. Sterling Johnson, Jr.
Justice, U.S. District Court, Eastern
District of New York

Ewing Kauffman
Chairman, Emeritus
Marion Merrell Dow, Inc.

Tom Landry
Founder of Fellowship of Christian
Athletes

Brenda Lee, Ph.D.
Principal
Glenallan Elementary School

Dr. Burton J. Lee III
Physician to the President

Reverend Edward A. Malloy
President
The University of Notre Dame

William T. McCarthy
Former President
International Brotherhood of
Teamsters

Charles F. Nielson
Vice President, Human Resources
Texas Instruments, Inc.

Ruben Ortega
President
Phoenix Institute of Technology

Richard D. Parsons
President & CEO
The Dime Savings Bank of
New York

Sandi Patti Helvering
Grammy award winning gospel
singer

The Hon. Herman Paul Pressler
Justice of the 14th District Court of
Appeals

Dr. Jonas Salk
Director
The Salk Institute for Biological
Studies

Richard R. Schubert
President
Points of Light Foundation

Roger Smith
Director
General Motors Corporation

Robert L. Soran
President
The Jessup Group

Frank J. Tasco
Chairman
Marsh & McLennan Companies

Joseph D. Williams
Chairman, Executive Committee
Warner-Lambert Company

Robert C. Wright
President & CEO
NBC

WRITING A DRUG-FREE POLICY AND PUTTING IT TO WORK

WRITING A BASIC DRUG-FREE WORKPLACE POLICY

If you want only to establish a written drug-free workplace policy, a one-page model is provided on page 5.

You may copy it onto your company letterhead or, in consultation with your company's attorney, you may customize the policy to suit your company's special needs.

WRITING A MORE COMPREHENSIVE POLICY— ADDITIONAL COMPONENTS

If you wish to write a more detailed policy, see the following pages for information and the appropriate paragraphs to add to your basic policy:

- Employee Assistance Program (EAP) (p.6)
- Drug Testing (p.7&8)
- Drug-Free Workplace Act Requirements (p.9)

EDUCATIONAL SERVICES TO HELP MAKE YOUR POLICY WORK

Education is one of the most vital components of any drug-free workplace program. Making employees aware of company policy as well as the consequences of policy violation is key to the overall strategy. A drug education program is also an opportunity to inform employees and their families of the adverse effects of illegal drug use on their health.

Education programs vary based on company size and resources. Your company newsletter provides one means to bring information to employees. Materials and speakers are frequently available at little or no cost from local community drug abuse prevention programs. The National Clearinghouse for Alcohol and Drug Abuse Information has a series of pamphlets and videotapes on "Drugs in the Workplace" designed for employee education available for loan. See page 13 for the contact in your state's drug and alcohol office for additional resources. See "National Resources" on page 14 for sources of more information or assistance.

SAMPLE DRUG ABUSE POLICY STATEMENT

COMPANY LETTERHEAD

DRUG ABUSE POLICY STATEMENT

(Company Name) is committed to providing a safe work environment and to fostering the well-being and health of its employees. That commitment is jeopardized when any (Company Name) employee illegally uses drugs on the job, comes to work under their influence, or possesses, distributes or sells drugs in the workplace. Therefore, (Company Name) has established the following policy:

- (1) It is a violation of company policy for any employee to possess, sell, trade, or offer for sale illegal drugs or otherwise engage in the illegal use of drugs on the job.
- (2) It is a violation of company policy for anyone to report to work under the influence of illegal drugs.
- (3) It is a violation of the company policy for anyone to use prescription drugs illegally. (However, nothing in this policy precludes the appropriate use of legally prescribed medications.)
- (4) Violations of this policy are subject to disciplinary action up to and including termination.

It is the responsibility of the company's supervisors to counsel employees whenever they see changes in performance or behavior that suggest an employee has a drug problem. Although it is not the supervisor's job to diagnose personal problems, the supervisor should encourage such employees to seek help and advise them about available resources for getting help. Everyone shares responsibility for maintaining a safe work environment and co-workers should encourage anyone who may have a drug problem to seek help.

The goal of this policy is to balance our respect for individuals with the need to maintain a safe, productive and drug-free environment. The intent of this policy is to offer a helping hand to those who need it, while sending a clear message that the illegal use of drugs is incompatible with employment at (Company Name).

If your company is subject to the requirements of the Drug-Free Workplace Act of 1988 (by nature of a grant/contract with the Federal Government) you should add the following statement to your drug policy:

As a condition of employment, employees must abide by the terms of this policy and must notify (The Company) in writing of any conviction of a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.

BASIC INFORMATION ON EMPLOYEE ASSISTANCE PROGRAMS (EAP)

Emotional problems, marital and family discord, financial or legal difficulties, alcoholism and drug abuse are usually considered "personal" problems until they affect the individual's job performance. Then they become your company's problem, and you need an effective solution.

For many employers, that solution is an Employee Assistance Program or EAP, a resource to which employees and their families can turn for confidential, professional assistance.

An EAP establishes a way for troubled employees to seek help directly or for supervisors to refer those employees whose problems are affecting job performance. The employee assistance professional conducts a thorough, confidential assessment and then provides short-term therapy or refers the employee to an appropriate therapist, treatment program or community agency.

As a component of your drug-free workplace program, the EAP should provide training for supervisors and managers, as well as education to make your employees aware of the assistance program and how it works.

NATIONAL RESOURCES

National Institute on Drug Abuse (NIDA)
Workplace Helpline 1-800-843-4971

Employee Assistance Professionals Association (EAPA):
4601 North Fairfax Drive, Suite 1001
Arlington, VA 22203 Tel. 703-522-6272

EAPA provides information on how to select EAPs, the value they can provide, the theory behind them, and how they operate.

LOCAL RESOURCES

(Use this space to list local resources as you identify them.)

If you are including an EAP in your company's program, add the following paragraph to your policy:

The company offers an Employee Assistance Program (EAP) benefit for employees and their dependents. The EAP provides confidential assessment, referral and short-term counseling for employees who need or request it. If an EAP referral to a treatment provider outside the EAP is necessary, costs may be covered by the employee's medical insurance, but the cost of such outside services are the employee's responsibility.

BASIC INFORMATION ON DRUG TESTING AND RESOURCES

According to a 1990 study by the Business Roundtable, the vast majority of large U.S. employers use drug testing in certain circumstances. Drug testing is primarily intended to protect employees' health and safety through the early identification and treatment of alcohol and other drug abuse problems.

Policies regarding pre-employment and employee testing are often determined by the risks associated with safety, security and health. Many employers test when there is "reasonable suspicion" or "probable cause" to believe an individual is using drugs. Others conduct routinely scheduled testing. Still others feel that universal testing is warranted.

Many unions have negotiated testing agreements and have taken a strong position condemning drug use by union members.

A few states have passed laws restricting workplace drug testing, most notably Connecticut, Iowa, Montana, Rhode Island, Maine and Vermont. You should check with your attorney or State Attorneys General (see list on page 12) regarding the specific laws that apply to your area.

If you choose to test applicants/employees, it is strongly recommended that you use a laboratory certified for drug testing. The National Institute on Drug Abuse (NIDA) certifies laboratories for federally mandated drug testing. NIDA-certified laboratories are listed in the Federal Register on or about the first of every month. Some states also certify laboratories for drug testing. It is further recommended that strict procedures should be followed for supervising the chain of custody of samples and the medical review of test results.

For further information call:

NATIONAL RESOURCES:

National Institute on Drug Abuse (NIDA)

Toll-Free 1-800-843-4971

National Clearinghouse for Alcohol and Drug Information

Toll-Free 1-800-729-6686

STATE RESOURCES:

Telephone Numbers for State Attorneys General (page 12)

Telephone Numbers for National Association of State Alcohol and Drug Abuse
Directors (page 13)

LOCAL RESOURCES:

(Use this space to list local resources as you identify them.)

BASIC INFORMATION ON DRUG TESTING AND RESOURCES

If you are adding drug testing to your drug-free workplace policy, add paragraph #1 and/or paragraph #2.

Pre-employment drug testing paragraph:

1.

All job applicants at this company will undergo testing for the presence of illegal drugs as a condition of employment. Any applicant with a confirmed positive test result will be denied employment. This company will not discriminate against applicants for employment because of a past history of drug abuse. Therefore, individuals who have failed a pre-employment test may initiate another inquiry with the company after a period of no less than six months, but must present themselves drug-free.

Employee testing paragraph:

2.

This company has adopted testing practices to identify employees who use illegal drugs either on or off the job. It shall be a condition of employment for all employees to submit to drug testing under the following circumstances:

- When there is reasonable suspicion to believe that an employee is using illegal drugs.
- When employees are involved in on-the-job accidents where personal injury or damage to company property occurs.
- As part of a follow-up program to treatment for drug abuse.

DRUG-FREE WORKPLACE POLICY LAW

Federal, state and local law pertaining to drug-free workplace policies and procedure is complex and subject to frequent change by legislation and court decision. It is essential to consult your attorney before implementing any policy or practice. These materials do not constitute legal advice.

Through the local chapter of the American Bar Association, some attorneys in your community may be available to answer without charge specific questions regarding drug-free workplace policies.

FEDERAL LAW AND REGULATIONS

The Drug-Free Workplace Act of 1988

The Drug-Free Workplace Act of 1988 requires all federal grant recipients and federal contractors (where contracts exceed \$25,000) to certify that they will provide a drug-free workplace. The final rules describing the requirements for such grantees/contractors were published in the Federal Register on May 25, 1990.

Generally the law requires covered employers to:

- Develop and publish a written policy and ensure that employees read and consent to the policy as a condition of employment;
- Initiate an awareness program to educate employees about
 - the dangers of drug abuse,
 - the company's drug-free workplace policy,
 - any available drug counseling, rehabilitation, and employee assistance programs,
 - the penalties that may be imposed upon employees for drug abuse violations;
- Require that all employees notify the employer or contractor of any conviction for a drug offense in the workplace;
- Make an ongoing effort to maintain a drug-free workplace.

Federal Regulation:

If your company is subject to the requirements of the Drug-Free Workplace Act of 1988 (by nature of a grant/contract with the Federal Government) you should add the following statement to your drug policy:

As a condition of employment, employees must abide by the terms of this policy and must notify (Company) in writing of any conviction of a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.

BASIC INFORMATION ON THE LAW

DEPARTMENT OF TRANSPORTATION (DOT) REGULATIONS

The U.S. Department of Transportation (DOT) rule on drug testing regulations became effective in December 1988. The regulations cover several occupations under DOT jurisdiction, including natural gas and pipeline workers, motor carrier workers, aviation workers and railroad workers. Employers with transportation positions covered by DOT must test job applicants. Employees are to be tested during routine physicals, on a random basis, upon reasonable cause and after accidents.

The DOT has established an Anti-Drug Information Center (ADIC). This computer-based system can respond to telephone calls, facsimile, or modem. The system will provide callers with model drug rules and detailed information, interpretation and advice on DOT regulations. Contact 1-800-CAL-DRUG.

THE AMERICANS WITH DISABILITIES ACT OF 1990

This Act, effective July 1992, prohibits discrimination against "qualified people with disabilities" and limits an employer's ability to inquire into an employee's or job applicant's medical history. It does, however, permit drug testing and does not bar employers from prohibiting alcohol abuse or illegal drug use in the workplace.

Although the Act does not protect certain illegal substance abusers and alcoholics who cannot safely perform their jobs, it does protect those who have been rehabilitated or who are participating in supervised rehabilitation programs and not currently using drugs.

The regulations appear in the July 26, 1991 Federal Register.

STATE LAWS

State laws vary. Some states have passed legislation restricting drug testing. You need to be aware of what is required in your state. The Attorney General's office in your state capitol can give you the regulations that pertain to your state. Refer to the chart on page 12 if you need information.

SAMPLE LETTER TO EMPLOYEES TO ACCOMPANY DRUG ABUSE POLICY STATEMENT

COMPANY
LETTERHEAD

LETTER TO ALL EMPLOYEES

The illegal use of drugs is a national problem that seriously affects every American. Drug abuse not only affects individual users and their families, but it also presents new dangers for the workplace.

The President of the United States has urged business and labor to take a leadership role in a nationwide effort to reduce the illegal use of drugs.

As you are aware, (Company Name) has always been committed to providing a safe work environment and fostering the well-being and health of our employees. Illegal drug use jeopardizes this commitment, and undermines the capability of (Company Name) to produce quality products and services.

To address this problem, (Company Name) has developed a policy regarding the illegal use of drugs that we believe best serves the interests of all employees. Our policy formally and clearly states that the illegal use of drugs will not be tolerated. This policy was designed with two basic objectives in mind: 1) employees deserve a work environment that is free from the effects of drugs and the problems associated with their use, and 2) this company has a responsibility to maintain a healthy and safe workplace.

I believe it is important that we all work together to make (Company Name) a drug-free workplace and a safe, rewarding place to work.

Sincerely,

President
(Company Name)

S T A T E R E S O U R C E S

OFFICES OF STATE ATTORNEYS GENERAL

Alabama	205/242-7300
Alaska	907/465-3600
Arizona	602/542-4266
Arkansas	501/682-2007
California	916/445-9555
Colorado	303/620-4500
Connecticut	203/566-2026
Delaware	302/577-3838
District of Columbia	202/727-6248
Florida	904/487-1963
Georgia	404/656-4585
Hawaii	808/586-1282
Idaho	208/334-2400
Illinois	217/782-1090
Indiana	317/232-6201
Iowa	515/281-5164
Kansas	913/296-2215
Kentucky	502/564-7600
Louisiana	504/342-7013
Maine	207/289-3661
Maryland	301/576-6300
Massachusetts	617/727-2200
Michigan	517/373-1110
Minnesota	612/296-6196
Mississippi	601/359-3680
Missouri	314/751-3321
Montana	406/444-2026
Nebraska	402/471-2682
Nevada	702/687-4170
New Hampshire	603/271-3658
New Jersey	609/292-4925
New Mexico	505/827-6000
New York	212/341-2519
North Carolina	919/733-3377
North Dakota	701/224-2210
Ohio	614/466-3376
Oklahoma	405/521-3921
Oregon	503/378-6002
Pennsylvania	717/787-3391
Puerto Rico	809/721-2900
Rhode Island	401/274-4400
South Carolina	803/734-3970
South Dakota	605/773-3215
Tennessee	615/741-3491
Texas	512/463-2100
Utah	801/538-1015
Vermont	802/828-3171
Virgin Islands	809/774-5666
Virginia	804/786-2071
Washington	206/753-6200
West Virginia	304/348-2021
Wisconsin	608/266-1221
Wyoming	307/777-7841

THE OFFICES OF THE STATE ALCOHOL AND DRUG ABUSE DIRECTORS

Alabama	205/270-4650
Alaska	907/586-6201
Arizona	602/255-1025
Arkansas	501/682-6650
California	916/445-1943
Colorado	303/331-6530
Connecticut	203/566-4145
Delaware	302/421-6102
District of Columbia	202/673-7481
Florida	904/488-0900
Georgia	404/894-6352
Hawaii	808/586-3962
Idaho	208/334-5935
Illinois	217/785-9067
Indiana	317/232-7816
Iowa	515/281-3641
Kansas	913/296-3925
Kentucky	502/564-2880
Louisiana	504/342-9354
Maine	207/289-2595
Maryland	301/225-6925
Massachusetts	617/727-7985
Michigan	517/335-8808
Minnesota	612/296-4610
Mississippi	601/359-1288
Missouri	314/751-4942
Montana	406/444-2827
Nebraska	402/471-2851
Nevada	702/687-4790
New Hampshire	603/271-6104
New Jersey	609/292-5760
New Mexico	505/827-2601
New York (Alcohol)	518/474-5417
New York (Drug Abuse)	518/457-7629
North Carolina	919/733-4670
North Dakota	701/224-2769
Ohio	614/466-3445
Oklahoma	405/271-8777
Oregon	503/378-2163
Pennsylvania	717/787-9857
Puerto Rico	809/764-3795
Rhode Island	401/464-2091
South Carolina	803/734-9520
South Dakota	605/773-3123
Tennessee	615/741-1921
Texas	512/867-8802
Utah	801/538-3939
Vermont	802/241-2170
Virgin Islands	809/773-1992
Virginia	804/786-3906
Washington	206/753-5866
West Virginia	304/348-2276
Wisconsin	608/266-3442
Wyoming	307/777-7115

NATIONAL CLEARINGHOUSE FOR ALCOHOL AND DRUG INFORMATION

Every member of your staff should understand your policies and procedures, how the program works and why it is important. For additional information on drugs in the workplace you can contact the organizations listed below:

The following publications, among others, can be ordered by calling toll-free 1-800-729-6686

- **National Clearinghouse for Alcohol and Drug Information Publications Catalog** — This catalog lists a wide variety of publications, videotapes, and posters available at no cost.
- **"Drug Abuse in the Workplace"** — videotape series (4 tapes available at small handling charge)
- **"Drug Testing: Comprehensive Procedures for Drug Testing in the Workplace"** DHHS Publication No. (ADM) 91-1731

NATIONAL INSTITUTE ON DRUG ABUSE (NIDA)

Workplace Helpline 1-800-843-4971

Assistance by telephone with writing and implementing policies. Guidance also provided on drug education and training of supervisors, EAPs and drug testing.

NIDA Hotline: 1-800-662-HELP

Referrals for treatment programs locally and nationwide.

EMPLOYEE ASSISTANCE PROFESSIONAL ASSOCIATION (EAPA)

Publications are available from:

Employee Assistance Professionals Association (EAPA; formerly ALMACA)

EAPA

4601 North Fairfax Drive, Suite 1001

Arlington, VA 22203 Tel. 703-522-6272

EAPA provides information on how to select an EAP, the value they can provide, the theory behind them, and how they operate.



END

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